

REMARKS

Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants have amended claim 14 to correct a typographical error and to clarify the claimed subject matter inherent in the claim. Applicants have also amended claims 11 and 17 to fix typographical errors.

Applicants have added new claims 23-28 and believe they are allowable over the known prior art. U.S. Patent App. No 2003/0060201 ("Soliman"), for example, describes sending a pilot strength measurement message and rules for when a pilot strength measurement message is sent. (*See, e.g.*, par. 0051, 0068.) As best understood, however, Soliman does not discuss a pilot strength measurement signal that includes either long term filtered measurement data or short term measurement data based on at least one of a number of pilot signals in an active set and a number of pilot signals in a candidate set, as in claim 23, for example. Soliman does not appear to make any distinctions as to what data may be included in a pilot strength measurement message. As described in paragraph 0051, Soliman describes that a mobile unit may measure the strength of the pilot channels. The pilot energy may be provided in units of decibels. When the mobile unit detects a pilot of sufficient strength that is not associated with any of the forward traffic channels assigned to it, it may send a pilot strength measurement message or an extended pilot strength measurement message to the base station. Soliman, as best understood, concerns measuring the strength of a pilot signal and then sending a pilot strength measurement message based on the strength of the signal. Soliman is silent as to, among other things, evaluate signal strength based on both long term filtered measurement data and short term filtered measurement data, i.e., Soliman does not describe the filtering used to measure the pilot energy.

In contrast, in new claim 23 for example, the pilot strength measurement signal includes either long term filtered measurement data or short term filtered measurement data based on at

least one of a number of pilot signals in an active set and a number of pilot signals in a candidate set. Furthermore, although Soliman does describe an active set and a candidate set as known in the art, Soliman does not describe that a pilot strength measurement message includes either long term or short term filtered measurement data based on at least one of a number of pilot signals in an active set and a number of pilot signals in a candidate set. For these reasons alone, new claim 23 is allowable. The dependent claims add novel and nonobvious subject matter and are therefore also in condition for allowance.

New claim 26 is also allowable for the relevant reasons stated as to claim 23. For example, Soliman does not describe that a pilot strength measurement signal may include either long term filtered measurement data or short term filtered measurement data. Furthermore, Soliman appears to describe using threshold values to determine whether or not to include a pilot signal in different sets (e.g., active or candidate sets), but Soliman does not describe using a threshold to determine which filter to use to generate a pilot strength measurement message, i.e., whether to include long term filtered measurement data or short term filtered measurement data. Thus, claim 26 and its dependent claims are allowable.

Claims 1, 4-6, 8-11, 13-14, 17, 19, and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Soliman. Applicants have canceled claims 1, 4-6, and 8-10, so the rejection is moot as to those claims. The other claims are allowable for at least reasons similar to those stated above as to claims 23 and/or 26. As to claim 11, for example, Soliman does not teach long term filtered measurement data and short term measurement data. In fact, Soliman does not appear to make any distinctions as to what data may be included in a pilot strength measurement message. The Office Action states, among other things, that Soliman teaches a pilot strength measurement message generator "operative to produce the pilot strength measurement message including the long term filtered measurement data if a strongest pilots signal is represented by

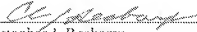
corresponding long term filtered measurement data generated by at least one of the plurality of finger receivers is greater than a threshold." As best understood, Soliman teaches that a mobile unit may transmit a pilot strength measurement message if the pilot signals meet a threshold energy level (*see, e.g.*, par. 0060), but Soliman does not teach to include, in a pilot strength measurement message, long term filtered measurement data (instead of short term filtered measurement data, for example) if the pilot signal represented by the corresponding long term filtered measurement data generated by at least one of the plurality of finger receivers is greater than a first threshold. As such, these claims are in condition for allowance.

Claim 1 also stands rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have canceled claim 1, so this rejection is now moot.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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